Scott. II-27—30,00

Law (Gl) (1932) Departme

Ms SERIES

G.O. No. 4043

DATED 10. 11. 1932

[Despatch Abstract.]

Lfnd: 5178A
4.11.32

To,

The Secretary to the Government of Madras,
Law (General) Department Madras.

Through

The District Magistrate of South Kanara
Mangalore.

Humble memorial of

U. P. Shankarshana Pai son of Purushothama Pai, residing in Puttur of South Kanara.

Your memorialist begs to state as follows:–

1. He had a motor driving licence till 11-9-31 on which date the Local Government by G. O. No. 3448 Mis Law (Genl.) disqualified him under clause ii of subsection (1) of Sec. 18 of Motor Vehicles Act from obtaining a licence.

2. The said order passed against him is hard & inequitable. He was not called upon to explain why he should be disqualified from obtaining a licence in future. Were he given such an opportunity which law affords to any person accused of even a technical offence he would have satisfied the authorities & made out a case against such disqualification. The order so passed has therefore caused great injustice & hardship to him.

3. The list of convictions against him will go to show that he was found guilty of petty offences under the Motor Vehicles Act. It is the ordinary misfortune and fate of every driver to have such convictions. The only case in which he has been found guilty of rash driving was C. C. 147/30 on the file of Ist class Magistrate, Puttur. It was beyond the power & control of your memorialist to avoid the accident in question. It is in view of this circumstance that the Court awarded him a light punishment and took a lenient view.

4 Your memorialist lost his father three years back and the whole brunt of the family burden has now fallen on his shoulders. All the ancestral property was sold away for the legal and antecedent debts of his deceased father. He has now no other resources to fall back upon except a taxi. The whole family consisting of his widowed mother sister and other members has to be supported by him. Your memorialist has no other avocation in life.

5 In these days of world wide depression, while the money stringency is felt everywhere, while the struggle for existence grows keener day by day. when the theory of survival of the fittest stares every one in the face, if your memorialist is deprived of his only means of livelihood, he would be quite undone. But it still lies with the Local Government to rescue the memorialist from the sad predicament of starvation and despondency. Your memorialist has suffered enough for his petty faults The long suffering he had by unemployment till now is enough atonement for the sins he may have committed. Pinch of poverty he keenly feels even now. If a chance is now given to him to obtain a licence in his name, the Government would be conferring an extraordinary blessing on him for which he would always be grateful.

6. Your memorialist has always been of use & help to the authorities in counter-acting the influence of anti drink & noncooperation movement in Puttur Taluk. He would continue to be so hereafter also if he be now saved from his present plight.

7. The extreme penalty of law under the Motor Vehicles Act is always resorted to in exceptional cases under extraordinary circumstances. A perusal of the list of licencee's disqualified under the act will clearly show that they were found guilty of habitually committing serious accidents and danger to life. In the case of your memorialist the only solitary instance of accident was caused by circumstances beyond his power and he is not wholly to be blamed for it.

8. Your memorialist therefore prays

(a) that the Local Government may be pleased to cancel the disqualification order referred to by him in para 1

(b) let him off with a light punishment, if need be, by treating the period of disqualification till now as one of suspension

(c) permit him to obtain a driving licence & thus save him from the extreme penalty now hanging over him.

N An 9682/32

Submitted to Government

Puttur 22-10-32

U. P. Shankarshana Pai

Secrt. II—10 (a)—36,003—21-1-18. (6) 39/674 Law (Gen) DEPARTMENT.

Motor Vehicles (S. Kanara)

Driving licence of U.P. Shankarshan Pai permanent disqualification — petition for removal of disqualification — rejected

READ AGAIN G.O. No. 3448 Law (Gen) dated 11 9. 31 (E)

" " " " 191

READ ALSO:—

C. No. 5178 A From the U.P. Shankarshan Pai, No. d. 22.10.32, dated 191

" " " " D.M. S. Kanara — No. 9682, 1.11.32 191

" " " " 191

ORDER No. 4043, dated 10. 11. 1932.

Dpt. 23 Dpt. 19 Dpt. Date

(E)

To U.P. Shankarshan Pai S/o Purushothama Pai Puttur S. Kanara D.

Copy to the DM S. Kanara

The Govt see no reason to reconsider the orders passed in Go 3448 Law (Gen) d. the 11. 9. 31

6.11 5/11

7/11

Note:

Please see the Dy Legislative note at pages 12-13 and the Govt orders thereon at p. 13 of Go 3448 of 1931

(E)

5/11

He has 11 convictions in two years + was an incorrigible + defiant law breaker.

P.T.O

Though only one of the offences was in itself serious when he killed a man as a result of crash or careless driving, yet the persistance with which he broke the law again & again despite punishments inflicted on each occasion in court seem to me to justify permanent disqualification. There is nothing in the Act prevening an enquiry or providing that the licensee should be called on to show cause why he should not be disqualified - Sec. 18 of the Act reads "A Local Government may in its discretion . . . declare any person disqualified for obtaining a licence either permanently...

As regards his complaint that he was not called on to explain why he should be disqualified for obtaining a licence in future

Ao

C

9/10/32

APPROVED INVESTMENT
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CO. LTD.